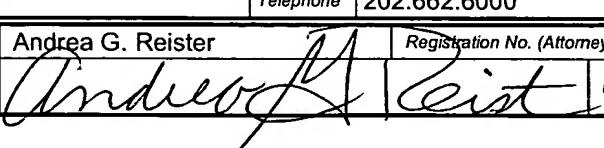


Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|   |  |  |                                   |                  |
|---|--|--|-----------------------------------|------------------|
| <b>UTILITY<br/>PATENT APPLICATION<br/>TRANSMITTAL</b><br><i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i>   |  | Attorney Docket No.  | 000166.0109-US02                  |                  |
|   |  | First Inventor   | David Edwards                     |                  |
|   |  | Title  | INHALATION DEVICE AND METHOD      |                  |
|   |  | Express Mail Label No.   |                                   |                  |
| <b>APPLICATION ELEMENTS</b><br><i>See MPEP chapter 600 concerning utility patent application contents.</i>  |  | <b>ADDRESS TO:</b><br>MS Patent Application<br>Commissioner for Patents<br>P.O. Box 1450<br>Alexandria, VA 22313-1450  |                                   |                  |
| 1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17)<br><i>(Submit an original, and a duplicate for fee processing)</i><br>2. <input type="checkbox"/> Applicant claims small entity status.<br><i>See 37 CFR 1.27.</i><br>3. <input checked="" type="checkbox"/> Specification      [Total Pages <b>46</b> ]<br><i>(preferred arrangement set forth below)</i> <ul style="list-style-type: none"> <li>- Descriptive title of the invention</li> <li>- Cross Reference to Related Applications</li> <li>- Statement Regarding Fed sponsored R &amp; D</li> <li>- Reference to sequence listing, a table, or a computer program listing appendix</li> <li>- Background of the Invention</li> <li>- Brief Summary of the Invention</li> <li>- Brief Description of the Drawings (<i>if filed</i>)</li> <li>- Detailed Description</li> <li>- Claim(s)</li> <li>- Abstract of the Disclosure</li> </ul> 4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113)      [Total Sheets <b>20</b> ]<br>5. Oath or Declaration      [Total Sheets <b>  </b> ]<br>a. <input type="checkbox"/> Newly executed (original or copy)<br>b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d))<br><i>(for continuation/divisional with Box 18 completed)</i><br>i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b><br><i>Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</i><br>6. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76 |  | 7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program ( <i>Appendix</i> )<br>8. Nucleotide and/or Amino Acid Sequence Submission ( <i>if applicable, all necessary</i> ) <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> Computer Readable Form (CRF)</li> <li>b. Specification Sequence Listing on:               <ul style="list-style-type: none"> <li>i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or</li> <li>ii. <input type="checkbox"/> Paper</li> </ul> </li> <li>c. <input type="checkbox"/> Statements verifying identity of above copies</li> </ul>  |                                   |                  |
|   |  | <b>ACCOMPANYING APPLICATION PARTS</b> <ul style="list-style-type: none"> <li>9. <input type="checkbox"/> Assignment Papers (cover sheet &amp; document(s))</li> <li>10. <input checked="" type="checkbox"/> 37 CFR 3.73(b) Statement<br/> <i>(when there is an assignee)</i>      <input checked="" type="checkbox"/> Power of Attorney</li> <li>11. <input type="checkbox"/> English Translation Document (<i>if applicable</i>)</li> <li>12. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449      <input type="checkbox"/> Copies of IDS Citations</li> <li>13. <input type="checkbox"/> Preliminary Amendment</li> <li>14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503)<br/> <i>(Should be specifically itemized)</i></li> <li>15. <input type="checkbox"/> Certified Copy of Priority Document(s)<br/> <i>(if foreign priority is claimed)</i></li> <li>16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i).<br/>           Applicant must attach form PTO/SB/35 or its equivalent.</li> <li>17. <input type="checkbox"/> Other: _____</li> </ul> |                                   |                  |
|   |  | 18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:<br><input type="checkbox"/> Continuation <input checked="" type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP)    of prior application No.: <b>10/268,059</b><br>Prior application information: Examiner <b>Sabrina Dagostino</b> Art Unit: <b>3743</b>   |                                   |                  |
| <b>For CONTINUATION OR DIVISIONAL APPS only:</b> The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.   |  |  |                                   |                  |
| <b>19. CORRESPONDENCE ADDRESS</b>   |  |  |                                   |                  |
| <input checked="" type="checkbox"/> Customer Number: <b>26853</b> OR <input type="checkbox"/> Correspondence address below  |  |  |                                   |                  |
| Name  | COVINGTON & BURLING  |  |                                   |                  |
| Address   | 1201 Pennsylvania Avenue, NW   |  |                                   |                  |
| City  | Washington   | State  | D.C.                              | Zip Code         |
| Country   | USA  | Telephone  | 202.662.6000                      | Fax              |
| Name (Print/Type)   | <b>Andrea G. Reister</b>   |  | Registration No. (Attorney/Agent) | 36,253           |
| Signature   |  |  | Date                              | February 5, 2004 |

16834 10/771551 U.S.PTO





14042  
026504  
U.S.PTO

Docket No.: 000166.0109-US02  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
David Edwards et al.

Application No.: Divisional of 10/268,059

Group Art Unit: N/A

Filed: February 5, 2004

Examiner: Not Yet Assigned

For: INHALATION DEVICE AND METHOD

**TRANSMITTAL LETTER**

**MS Patent Application**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed are the following items for filing in connection with the above-referenced Patent Application:

1. Fee Transmittal;
2. Utility Patent Application Transmittal;
3. Application Data Sheet;
4. Utility application comprising: 36 pages of description; nine pages of claims (1-66); a one page abstract; and 20 sheets of drawings (Figs. 1-6, 7A-7D, 8, 9A, 9B, 10-15, 16A-16D, 17A-17C, 18, and 19A-19C);
5. Copy of the Declaration for Utility Patent Application (37 CFR 1.63) filed in prior Application No. 10/268,059 (20 pages);
6. Copy of the Power of Attorney filed in prior Application No. 10/268,059;

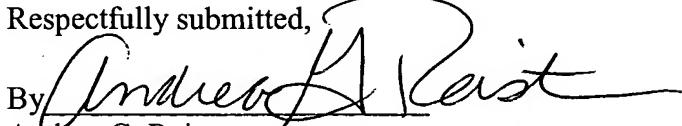
7. Copy of the Statement under 37 CFR 3.73(b) with a copy of the assignment filed in prior Application No. 10/268,059;
8. Information Disclosure Statement;
9. Form PTO/SB/08a/b;
10. Check No. 323848 for \$1,856.00 to cover:  
\$770.00 basic filing fee;  
\$1,086.00 additional claims fee; and
11. Two return receipt postcards.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0740, under Docket No. 000166.0109-US02. A duplicate copy of this paper is enclosed.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 50-0740.

Dated: February 5, 2004

Respectfully submitted,

By   
Andrea G. Reister

Registration No.: 36,253  
COVINGTON & BURLING  
1201 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2401  
(202) 662-6000

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1,856.00)

14042 U.S.PTO  
020504

| Complete if Known    |                          |
|----------------------|--------------------------|
| Application Number   | Divisional of 10/268,059 |
| Filing Date          | February 5, 2004         |
| First Named Inventor | David Edwards            |
| Examiner Name        | Not Yet Assigned         |
| Art Unit             | N/A                      |
| Attorney Docket No.  | 000166.0109-US02         |

## METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  Other  None

 Deposit Account:

Deposit Account Number 50-0740

Deposit Account Name Covington &amp; Burling

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

| Large Entity  | Small Entity  | Fee Description        | Fee Paid |
|---------------|---------------|------------------------|----------|
| Fee Code (\$) | Fee Code (\$) |                        |          |
| 1001 770      | 2001 385      | Utility filing fee     | 770.00   |
| 1002 340      | 2002 170      | Design filing fee      |          |
| 1003 530      | 2003 265      | Plant filing fee       |          |
| 1004 770      | 2004 385      | Reissue filing fee     |          |
| 1005 160      | 2005 80       | Provisional filing fee |          |

SUBTOTAL (1) (\$ 770.00)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims         | Extra Claims | Fee from below | Fee Paid |
|----------------------|--------------|----------------|----------|
| 66                   | -20** = 46   | x 18.00 =      | 828.00   |
| Independent Claims 6 | -3** = 3     | x 86.00 =      | 258.00   |
| Multiple Dependent   |              | =              |          |

| Large Entity  | Small Entity  | Fee Description  |
|---------------|---------------|--|
| Fee Code (\$) | Fee Code (\$) |  |
| 1202 18       | 2202 9        | Claims in excess of 20                                     |
| 1201 86       | 2201 43       | Independent claims in excess of 3                          |
| 1203 290      | 2203 145      | Multiple dependent claim, if not paid                      |
| 1204 86       | 2204 43       | ** Reissue independent claims over original patent         |
| 1205 18       | 2205 9        | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ 1,086.00)

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

| Large Entity  | Small Entity  | Fee Description  | Fee Paid |
|---------------|---------------|--|----------|
| Fee Code (\$) | Fee Code (\$) |  |          |
| 1051 130      | 2051 65       | Surcharge - late filing fee or oath  |          |
| 1052 50       | 2052 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053 130      | 1053 130      | Non-English specification  |          |
| 1812 2,520    | 1812 2,520    | For filing a request for ex parte reexamination                            |          |
| 1804 920*     | 1804 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805 1,840*   | 1805 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251 110      | 2251 55       | Extension for reply within first month                                     |          |
| 1252 420      | 2252 210      | Extension for reply within second month                                    |          |
| 1253 950      | 2253 475      | Extension for reply within third month                                     |          |
| 1254 1,480    | 2254 740      | Extension for reply within fourth month                                    |          |
| 1255 2,010    | 2255 1,005    | Extension for reply within fifth month                                     |          |
| 1401 330      | 2401 165      | Notice of Appeal   |          |
| 1402 330      | 2402 165      | Filing a brief in support of an appeal                                     |          |
| 1403 290      | 2403 145      | Request for oral hearing   |          |
| 1451 1,510    | 1451 1,510    | Petition to institute a public use proceeding                              |          |
| 1452 110      | 2452 55       | Petition to revive - unavoidable   |          |
| 1453 1,330    | 2453 665      | Petition to revive - unintentional   |          |
| 1501 1,330    | 2501 665      | Utility issue fee (or reissue)   |          |
| 1502 480      | 2502 240      | Design issue fee   |          |
| 1503 640      | 2503 320      | Plant issue fee  |          |
| 1460 130      | 1460 130      | Petitions to the Commissioner  |          |
| 1807 50       | 1807 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806 180      | 1806 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021 40       | 8021 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809 770      | 2809 385      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810 770      | 2810 385      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801 770      | 2801 385      | Request for Continued Examination (RCE)                                    |          |
| 1802 900      | 1802 900      | Request for expedited examination of a design application                  |          |

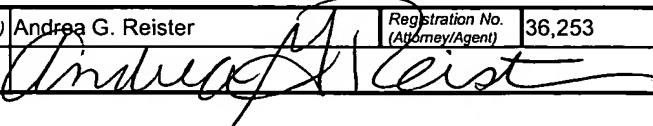
Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0.00)

## SUBMITTED BY

(Complete if applicable)

|                   |  |                                   |                  |           |                |
|-------------------|--|-----------------------------------|------------------|-----------|----------------|
| Name (Print/Type) | Andrea G. Reister  | Registration No. (Attorney/Agent) | 36,253           | Telephone | (202) 662-6000 |
| Signature         |  | Date                              | February 5, 2004 |           |                |